

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

March 1, 1991 Hearing Room E 8:30 a.m. Tapes 52 - 53
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Rep.
Randy Miller, District 24 STAFF PRESENT: Randall Jones, Committee
Administrator Carolyn Cobb, Committee Assistant MEASURES
CONSIDERED: HJR 22 - Requires Office of Secretary of State to
be Nonpartisan, PH, SB 168 - Consolidates Economic Development
Department Laws, Into New ORS Chapter, PH, WS SB 275 - Specifies
Procedure For Gathering Signatures for Initiative Petitions, PH, WS SB
283 - Reduces Number of Election Dates, PH, WS SB
284 - Permits Use of Statistical Sampling to Verify Signatures, WS
SJR1 - Amends Time Within Which Recall Election Must Be Held, WS
HJR 12 - Requires Majority of Electors in Majority of
Congressional Districts to Approve Amendments to State Constitution, WS

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TAPE 52, SIDE A

003 CHAIR MARKHAM: Calls the meeting to order at 8:37 a.m. House Committee on State and Federal Affairs March 1, 1991- Page 2

HJR 22 - REQUIRES OFFICE OF SECRETARY OF STATE TO BE NONPARTISAN - PUBLIC HEARING Witness: Randy Miller, State Representative, District 24

013 RANDY MILLER, STATE REPRESENTATIVE, DISTRICT 24: HJR 22 would make the office of Secretary of State non-partisan. -Lawyers are supposed to held to a standard of avoiding the appearance of impropriety. -When the Secretary of State oversees partisan elections, it is perhaps impossible to avoid the appearance of impropriety. -Cites the problem of campaign violation charges which are investigated by the Secretary of State. -In the last election cycle, the former Secretary of State received some acclaim for applying some substantial fines against members of her own party. -Alternative is to remove the election functions from the office. 050 REP. FORD: Discusses task force that worked on this problem in 1979.

064 CHAIR MARKHAM: Is there background material from that task force available?

066 REP. MILLER: I don't know. The office is somewhat of a political stepping stone in some respects. I am interested in removing at least the election oversight function from partisan considerations. Discusses whether state audits should be done by a partisan office-holder. -Party affiliation leaks out in non-partisan races.

090 CHAIR MARKHAM: Should the auditor be registered as an independent?

093 REP. MILLER: No, but I do not think you need to wear your party label on your sleeve.

096 CHAIR MARKHAM: If you do this, would the head of the Elections

Division be appointed or elected?

100 REP. MILLER: Probably appointed. Although you are never going to remove people from politics, it would remove the blatant appearance of partisanship. Basically the office of Secretary of State is in many respects Chief Clerk.

107 REP. FORD: Would Mr. Jones contact Hardy Myers, who headed the task force, and see if he still has the material.

112 REP. BELL: Local non-partisan races usually build in early, bi-partisan campaign structures, and pull together people on the campaign. That builds more trust of the office-holder.

122 REP. MILLER: In my own county I have a bill in to remove the partisan reference from a variety of county offices.

HJR 12 - REQUIRES MAJORITY OF ELECTORS IN MAJORITY OF CONGRESSIONAL DISTRICTS TO APPROVE AMENDMENT TO STATE CONSTITUTION - WORK SESSION

158 MOTION: REP. FORD moved the rules be suspended for the purpose of reconsidering the vote on HJR 12.

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VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused. 169 MOTION: REP. FORD moved to reconsider the vote by which HJR 12 was sent to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused.

182 MOTION: REP. FORD moved HJR 12 to the floor with a "do pass" as amended recommendation and the bill be referred to the Committee on Ways and Means. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Sowa voting NAY. Rep. Novick was excused.

SB 284 - PERMITS USE OF STATISTICAL SAMPLING TO VERIFY SIGNATURES - WORK SESSION 191 MOTION: REP. FORD moved the rules be suspended for the purpose of reconsidering the vote on SB 284. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused. 202 MOTION: REP. FORD moved to reconsider the vote by which SB 284 was sent to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused. 210 MOTION: REP. FORD moved SB 284 to the floor with a "do pass" recommendation and the bill be referred to the Committee on Ways and Means. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Ford and Rep. Sowa voting NAY. Rep. Novick was excused.

SJR1 - AMENDS TIME WITHIN WHICH RECALL ELECTION MUST BE HELD - WORK SESSION

223 MOTION: REP. FORD moved the rules be suspended for the purpose of reconsidering the vote on SJR1. .

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VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused. 233 MOTION: REP. FORD moved to reconsider the vote by which SJR1 was sent to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused. 240 MOTION: REP. FORD moved SJR1 to the floor with "do pass" recommendation and the bill be referred to the Committee on Ways and Means. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Ford and Rep. Sowa voting NAY. Rep. Novick was excused.

SB 283 - REDUCES NUMBER OF ELECTION DATES - PUBLIC HEARING Witnesses: Al Davidson, Oregon Association of County Clerks Walter Crews, Oregon State Deputy Legislative Affairs Representative, Non-commissioned Officers Association

303 RANDALL JONES, COMMITTEE ADMINISTRATOR: Distributes hand-engrossed SB 283 (EXHIBIT A) which includes the proposed amendments. 312 AL DAVIDSON, OREGON ASSOCIATION OF COUNTY CLERKS: Reports on his discussions with Walter Crews of the Non-commissioned Officers Association regarding their concerns about the measure. They determined that two of the issues are resolved in current law. Submits proposed LC dash A2 amendments (EXHIBIT A). Explains that while the bill does not go as far as they would eventually like to provide transit time and notice for overseas voters, it is a step in the right direction. 339 WALTER CREWS, OREGON STATE DEPUTY LEGISLATIVE AFFAIRS REPRESENTATIVE, NON-COMMISSIONED OFFICERS ASSOCIATION OF OREGON: Submits and summarizes written testimony (EXHIBIT C). 381 DAVIDSON: The amendments we are proposing deal with the final two items on Sgt. Crews' request, that a specific reference be included to the Uniform and Overseas Voting Absentee Act (Public Law 99410). Section 14 is new language that addresses the concern that the Secretary of State be specifically given authority to assure that any elector called to active military duty, not be disenfranchised because of that service. 401 JONES: Reports Legislative Counsel has informed him that Section 15 which is included in the LC dash A2 proposed amendments was supposed to have been in the original bill and was overlooked. .

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405 DAVIDSON: The reason for putting an effective date of January 1, 1992 is so it does not go into effect in the middle of an election cycle.

TAPE 53, SIDE A

002 REP. SOWA: It seems to me if we were creative, we could take care of the military's concerns without upsetting the state law.

008 DAVIDSON: The problem with the June election, which if this bill passes will be the only remaining election which has less than a forty day transit time for ballots, is that the filing deadline is only thirty-four days.

019 REP. FORD: As long as there are so many elections, the timelines make it impossible to get the absentee ballots out in a timely manner.

034 DAVIDSON: Until the school funding issues are totally resolved, the education community is very hesitant to agree to the elimination of the June election, which is what it will take to get the forty-day transit time for all elections.

SB 283 - REDUCES NUMBER OF ELECTION DATES - WORK SESSION

053 MOTION: REP. FORD moved to adopt the proposed LC dash A2 amendments dated 2/28/91 to SB 283 (EXHIBIT B). VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, and Chair Markham voting AYE. Rep. Roberts and Rep. Sowa were excused. 064 MOTION: REP. FORD moved SB 284 as amended to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, and Chair Markham voting AYE. Rep. Roberts and Rep. Sowa were excused.

SB 275 - SPECIFIES PROCEDURE FOR GATHERING SIGNATURES FOR INITIATIVE PETITIONS - PUBLIC HEARING Witnesses: Al Davidson, Oregon Association of County Clerks Russell C. Farrell, Coalition for Petition Rights Lois Shanahan, Coalition for Petition Rights Cherri Holenstein, Coalition for Petition Rights

078 RANDALL JONES, COMMITTEE ADMINISTRATOR: Submits proposed LC dash A4 amendments to SB 275 (EXHIBIT D) and hand-engrossed SB 275 which includes those proposed amendments (EXHIBIT E).

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083 AL DAVIDSON, OREGON ASSOCIATION OF COUNTY CLERKS: Explains proposed amendments to SB 275. Encourages the committee to amend the bill and pass it to the floor. 126 REP. NOVICK: I think these amendments take care of some of the concerns of some members of the committee. 136 REP. OAKLEY: When the signatures are submitted, do the county clerks want them all at one time? 142 DAVIDSON: The petitioners can submit the signatures at any time. 147 CHAIR MARKHAM: Now, under this bill petitioners have the privilege of coming in with one year's signatures and locking those signatures in, but if they choose not to, they are making the gamble that the signatures can still be verified. 151DAVIDSON: That is correct, if they turn the signatures in five years from now, and a signer's voter registration has expired, we will not be able to validate the signature. 157 RUSSELL C. FARRELL, COALITION FOR PETITION RIGHTS: If this version goes through,

we are happy with it. -It is very hard to get the signatures for a constitutional amendment, even with paid petitioners. -Cutting the allowed time, or denying reasonable access to the malls makes putting a measure on the ballot much more difficult. -Asks no further changes be made to the measure.

234 CHERRI HOLENSTEIN, COALITION FOR PETITION RIGHTS: The standardization process is appreciated. The City of Portland just brought their petition signature gathering rules into line with the state. -Expresses hope the committee realizes the danger of limiting citizen legislation. 281LOIS SHANAHAN, COALITION FOR PETITION RIGHTS: I am sorry there was an effort to tamper with the initiative process and limit the time available to gather signatures.

SB 275 - SPECIFIES PROCEDURE FOR GATHERING SIGNATURES FOR INITIATIVE PETITIONS - WORK SESSION

357 JONES: The committee has adopted the amendments relating to certified mail and return receipt.

367 MOTION: REP. FORD moved to adopt the LC dash A4 amendments to SB 275 dated 2/27/91 (EXHIBIT D). VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Sowa, and Chair Markham voting AYE. Rep. Roberts was excused.

390 MOTION: REP. FORD moved SB 275-A4 as amended to the floor with a "do pass" recommendation.

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VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Sowa, and Chair Markham voting AYE. Rep. Roberts was excused.

426 CHAIR MARKHAM: Recesses meeting at 9:34 a.m.

Resumes meeting at 9:44 a.m.

TAPE 52, SIDE B

SB 283 - REDUCES NUMBER OF ELECTION DATES - WORK SESSION SB 275 - SPECIFIES PROCEDURE FOR GATHERING SIGNATURES FOR INITIATIVE PETITIONS - WORK SESSION

018 REP. FORD: I request unanimous consent that the rules be suspended to allow Rep. Roberts and Rep. Sowa to be recorded as voting on the motions to move SB 283 and SB 275-A4 to the floor with "do pass" recommendations.

021 CHAIR MARKHAM: Hearing no objections, it so ordered.

027 REP. ROBERTS: Votes Aye on SB 283.

030 REP. SOWA: Votes NAY on SB 283. 032 REP. ROBERTS: Votes AYE on SB 275.

SB 168 - CONSOLIDATES ECONOMIC DEVELOPMENT DEPARTMENT LAWS INTO NEW ORS

CHAPTER - PUBLIC HEARING Witness: David Lohman, Deputy Director,
Department of Economic Development

042 DAVID LOHMAN, DEPUTY DIRECTOR, DEPARTMENT OF ECONOMIC DEVELOPMENT: Explains the three purposes for this bill are: to consolidate all the various ORS Chapters that relate to economic development into one place in the statutes, to reflect some changes in the operation of the Enterprise Zone program since the Department of Revenue performs many of its functions by informal agreement, and to change the "one-stop" permit provisions that are part of ORS 284 (EXHIBIT F). In summary what this does is to preserve the reporting requirements that are in the current law. 074 CHAIR MARKHAM: If someone from out of state wants to start a business in Oregon, he can fill out all the applications in one stop? 078 LOHMAN: The concept of one-stop as set forth in the current statute says yes. -A project proponent could ask that the entire state regulatory process be run through the Economic Development Department, which is totally unworkable. -Discusses costs involved. -Department is not staffed for anything but promotion and community development. . . . These minutes contain materials which paraphrase and/or summarize statements made during this session Only text enclosed in quotation marks report a speaker's exact words For complete contents of the proceedings, please refer to the tapes House Committee on State and Federal Affairs March 1,1991- Page 8

102 CHAIR MARKHAM: Is that responsibility in the law now? 104 LOHMAN: It is, but we have never done it. This bill puts the department out of that regulatory function. -Explains how the Economic Development Department acts as an advocate in the system.

128 CHAIR MARKHAM: Does this bill shift those regulatory responsibilities to someone else?

130 LOHMAN: Our proposal is not to shift them to someone else. The legislature passed in the last session a bill that requested an analysis by the Department of Revenue, with the cooperation of several agencies, of the possibility of establishing not a one-stop permit process, but a first-stop permit process. -New computer technology may allow a first-stop permit system. -Even a first-stop permit system is not inexpensive and may not be within current resources, but a one-stop permit system is certainly not within current resources.

172 REP. FORD: What statutes are repealed by this bill?

181 LOHMAN: ORS 284.820 through 284.880 are the one-stop provisions. ORS 284 .135 I believe is a name change. 194 JONES: ORS 284.135 is defines "department" and "director".

SB 168 - CONSOLIDATES ECONOMIC DEVELOPMENT DEPARTMENT LAWS INTO NEW ORS CHAPTER - WORK SESSION

217 MOTION: REP. ROBERTS moved SB 168 to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Submitted by: Reviewed by:
Carolyn Cobb Randall Jones Assistant Administrator

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EXHIBIT LOG: A -Hand-engrossed SB 283 A dated 2/28/91 - Randall Jones - 7 pages B - Amendments to SB 283 A - Al Davidson - 1 page C - Testimony on SB 283 - Walter Crews - 3 pages D - Amendments to SB 275 - Randall Jones - 1 page E - Hand-engrossed SB 275 dated 2/27/91 - Randall Jones - 4 pages F - ORS 284.800 through 284.895 - David Lohman - 8 pages

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